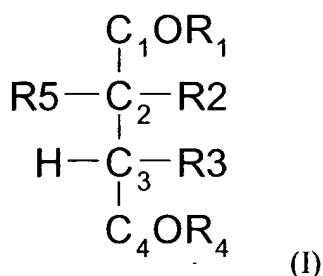


REMARKS/ARGUMENTS

No claims are amended, added, or canceled by this response. Accordingly, following entry of these remarks, claims 1-5, 8-9, 12-13, and 17-20 will remain pending.

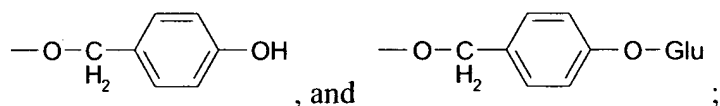
Embodiments of the present invention relate to providing treatment of dementia. In particular embodiments, derivatives of succinate esters are used in the manufacture of the medicine for treating dementia.

General formula (I) of succinate esters is shown below.

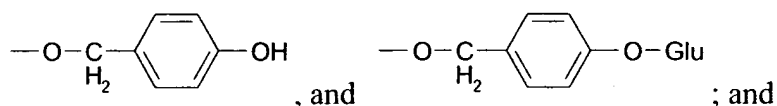


wherein,

R₁ and R₄ are selected from -OCH₃, -OH, -O-Glu,



R₂ and R₃ are selected from H, -OH, -O-Glu,



R₅ is selected from non-branched or branched C₁₋₆ alkyls.

Accordingly, pending independent claim 1 recites in part as follows:

1. A method for improving memory performance in an animal, the method comprising:

administering a therapeutically effective dose of a derivative of a succinate ester of general formula (I), or a stereo-isomer or a pharmaceutically acceptable salt thereof:

.....the configuration of chiral center at C-2 and C-3 are 2R3S, 2R3R, 2S3S and 2S3R respectively.

Certain claims stand rejected as either anticipated by Wu et al. (Planta medica (1996 Aug) Vol. 62, No. 4, pp. 317-21) ("the Wu Publication"), or as obvious over the Wu Publication

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in combination with Huang et al. (Yaoxue Xuebao (2002), Vol. 37, No. 3. pages 199-203) ("the Huang Publication"). These claim rejections are traversed as follows.

As a threshold matter, the Examiner is respectfully reminded that some of the claims have been rejected as anticipated, and not merely obvious, in view of the alleged prior art:

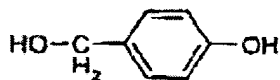
[t]he distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (Emphasis added; MPEP 706.2)

Here, the Wu Publication relates to testing the effect of methanol extract of *Gastrodia elata* Blume (GE). The Examiner refers to this GE as purportedly containing derivative of the succinate esters of the general formula (I). However, by following the activity ingredients therein, the Wu Publication teaches that gastrodin and p-hydroxybenzyl alcohol may be the active constituents of GE.

The structure of gastrodin is:



and the structure of p-hydroxybenzyl alcohol is:



Careful examination of these structures reveals neither to be the same as, or similar to, the claimed compounds.

Furthermore, no compounds that are same as or similar to the compounds as claimed in the present invention, have been found in GE. The only similar compound reported is the one wherein the group corresponding to R5 of general formula (I) is COOH (rather than non-branch or branch C₁₋₆ alkyl as in the claim). However, its biological activity data is not reported.

Regarding the obviousness rejections in view of the Huang Publication. That reference discloses eight ingredients separated from *Coeloglossum viride* (L.) Hartm. var. *bracteatum*. However, no biological experimental activity and data are involved. Thus, taken even

combination with the Huang Publication, the Wu Publication also fails to teach the claimed compounds described above.

Claim 1 has also been rejected as anticipated by Li et al. (Zhongguo Gonggong Weisheng (2002), 18(3), 284-286) ("the Li Publication"). The Li Publication relied upon by the Examiner to teach purported derivatives of the succinate ester(s) to be present in GE, also fails to teach the claimed compounds.

Based at least upon the failure of the art relied upon by the Examiner to teach or even suggest all of the elements of the pending claims, it is respectfully asserted that no conclusion of anticipation or obviousness can reasonably be drawn. Continued rejection of the pending claims is therefore improper, and the claim rejections should be withdrawn.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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